



# City Council Agenda

Council President  
**Tom Boyajian**

Councilmembers

**Brian Calhoun**  
**Brad Castillo**, Acting President  
**Mike Dages**

**Jerry Duncan**  
**Henry T. Perea**  
**Cynthia Sterling**

City Manager  
**Daniel G. Hobbs**

City Clerk  
**Rebecca E. Klisch , CMC**

City Attorney  
**Hilda Cantú Montoy**

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

**TUESDAY, JUNE 24, 2003**

***If you would like to speak, fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on [www.ci.fresno.ca.us](http://www.ci.fresno.ca.us) The Council meeting can also be heard live at the same web site address.***

## **8:30 A.M. ROLL CALL**

Invocation Pastor David Smit of the Fresno Christian Reformed Church

Pledge of Allegiance to the Flag

Proclamation of "KARIN TAGGART DAY" - Mayor Autry and All Councilmembers

Proclamation of "ROBERT E. MILLA DAY" - Mayor Autry and All Councilmembers

Proclamation of "DAN PESSANO DAY" - Council President Boyajian

***Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council, there will first be a staff presentation, followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person.***

***Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. Public testimony will not be taken on unscheduled/non-action items.***

***The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.***

Approve minutes of June 17 and 19, 2003

**Action Taken:**

Councilmember Reports and Comments

**Action Taken:**

Approve Agenda

**Action Taken:**

Adopt Consent Calendar

**Action Taken:**

1. **GENERAL CONSENT CALENDAR**

(All consent calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered immediately following.

A. Approve a Reimbursement Agreement with Fresno Metropolitan Flood Control District (FMFCD) for the North Avenue Trunk Sewer Project - Public Works Dept.

**Action Taken:**

B. **RESOLUTION** - Of Intention to Annex Final Tract No. 5110 to the City of Fresno Community Facilities District No. 2, Annexation No. 52 - Public Works Dept.

**Action Taken:**

C. \* **RESOLUTION** - Adopting an investment policy for public funds for Fiscal Year 2003-2004 - Finance Department

**Action Taken:**

1. **GENERAL CONSENT CALENDAR CONTINUED**

- D. Approval of proposed Lease and Concession Agreement for baggage cart services at Fresno Yosemite International Airport between the City of Fresno and Facility Services & Systems - Airports Dept.  
**Action Taken:**
- E. Approval of Amendment No. 2 to the Cargo Building Lease Agreement between the City of Fresno and the Hertz Corporation - Airports Dept.  
**Action Taken:**
- F. Approval of Amendment No. 2 to the Cargo Building Lease and Agreement between the City of Fresno and National Car Rental System, Inc. - Airports Dept.  
**Action Taken:**
- G. Approve Temporary Use Permit Extension No. 2 between the City of Fresno and the City of Fresno Police Department to occupy portions of the Airports administration building - Airports Dept.  
**Action Taken:**
- H. Authorize staff to negotiate and enter into a Professional Services Agreement with MPA Design Group to prepare the Eaton Plaza Master Plan along with the plans and specifications for the construction of Eaton Plaza Phase One - Public Works Department  
**Action Taken:**
- I. Approve reappointment of Sallie Ramirez to the Commission on the Status of Women - Councilmember Sterling  
**Action Taken:**
- J. Award a contract to Lantis Construction for building modifications at Fresno Area Express (FAX) - General Services Dept./Public Works Dept.  
**Action Taken:**
- K. \* **RESOLUTION** - Approving the reallocation of funds for the Highway City Sewer Project which will install a new sewer main in Grantland Avenue, Parkway Drive and Herndon Avenue  
**Action Taken:**
1. Award a contract to Floyd Johnston Construction Company, Inc. for installation of sewer mains in Grantland Avenue, Parkway Drive, and Herndon Avenue - General Services Dept./Public Works Dept.  
**Action Taken:**
- L. Reject all bids for variable frequency drives for sewage pumps - General Service Dept./Dept. of Public Utilities  
**Action Taken:**
- M. **RESOLUTION** - Approving the Final Map of Tract No. 5070 and accepting dedicated public uses therein, and authorize Public Works Director and Planning and Development Director to execute the necessary documents - Planning and Development Dept.  
**Action Taken:**

1. **GENERAL CONSENT CALENDAR CONTINUED**

- N. **RESOLUTION** - Creating a Blue Ribbon Commission to conduct a review of current City policies and procedures relating to the preservation of historic structures and buildings in the City of Fresno and to make recommendations for improving Historic Preservation Policies  
**Action Taken:**
- O. **RESOLUTION** - Concerning Local Transportation Purpose Funds Measure C - Finance Dept.  
**Action Taken:**
- P. Approval of agreements with Burlington Northern and Santa Fe Railway Company (BNSF) relating to purchase of real property necessary for Santa Fe Depot renovation project and for downtown parking- Public Works Dept.  
**Action Taken:**
- Q. **RESOLUTION** - Continuing a local emergency relating to the fire at Archie Crippen Excavation in the vicinity of Marks and Nielsen Avenues  
**Action Taken:**
- R. Request for approval to transfer three (3) vacant residential lots from the City of Fresno to the Housing Authority of the City of Fresno - Public Works Department  
**Action Taken:**
- S. \* **BILL - (For introduction)** - Adding Article 22 of Chapter 2 to the Fresno Municipal Code relating to campaign contribution limits and other campaign controls for candidates for elective City Office - City Attorney's Office  
**Action Taken:**
- T. \* **BILL - (For introduction)** - Relating to the permitting and regulation of mobile vendors in the City of Fresno and streamlining the Code relating to the revocation and suspension of business permits - City Attorney's Office  
**Action Taken:**

**ADOPT CONTESTED CONSENT ITEMS**

## **TIME SCHEDULED HEARINGS AND MATTERS**

### **9:30 A.M. JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

Approve Agency minutes of June 17, 2003

#### **Action Taken:**

- A. HEARING** - To consider adoption of a resolution that public interest and necessity require acquisition of certain property located at 257 N. Thesta (APN 459-262-28) owned by Eliseo M. Roldan and Sylvia Roldan, husband and wife, as joint tenants, for public purposes and redevelopment of the property, and authorizing eminent domain proceedings for public use and purpose (Jefferson Redevelopment Project Area)

#### **Action Taken:**

1. **RESOLUTION** - That public interest and necessity require the acquisition of certain property located at 257 N. Thesta (APN 459-262-28) owned by Eliseo M. Roldan and Sylvia Roldan, husband and wife, as joint tenants, for public purposes to provide for the redevelopment of the property, and authorizing eminent domain proceeding for public use and purpose (Jefferson Redevelopment Project Area)  
**(Requires 5 affirmative votes) (Agency action)**  
**Action Taken:**

- B.** Consider matters relating to the approval and adoption of the Proposed Freeway 99-Golden State Boulevard Corridor Redevelopment Plan with Revised Boundary Alternative "B"

**(Deliberation only; hearing closed on June 17, 2003)**

#### **Action Taken:**

1. **RESOLUTION** - Certifying Program Environmental Impact Report No. 03-01 with attachments:  
**(Council and Agency action)**
  - a. Statement and findings of potential adverse environmental effects and mitigation measures to lessen or avoid those effects
  - b. Findings on project alternatives
  - c. Statement and findings of unavoidable adverse effects
  - d. Statement of overriding considerations that the project benefits outweigh the unavoidable adverse effects
  - e. Mitigation monitoring program**Action Taken:**
2. **RESOLUTION** - Approving and adopting the Report to the City Council with Supplement and authorizing submission to the Council **(Agency action)**  
**Action Taken:**
3. **RESOLUTION** - Adopting findings that the use of the 20 Percent Low and Moderate Income Housing Set-Aside Funds outside the Freeway 99-Golden State Boulevard Corridor Redevelopment Project Area will be of benefit to the project area **(Council and Agency action)**  
**Action Taken:**
4. **RESOLUTION** - Adopting findings in response to written objections to the adoption of the Proposed Redevelopment Plan for the Freeway 99-Golden State Boulevard Corridor Redevelopment Project with Revised Boundary Alternative "B" **(Council action)**
5. \* **BILL** - Adopting the Redevelopment Plan for the Freeway 99-Golden State Boulevard Corridor Redevelopment Project with Revised Boundary Alternative "B" **(Council action)**  
**Action Taken:**

## TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

### 9:30 A.M. JOINT MEETING WITH THE REDEVELOPMENT AGENCY CONTINUED

- C. Recommend approval of Amendment No. 4 to the Redevelopment Agency Contract with the City and County Housing Authority to extend the base year of the contract for three (3) year period beginning July 1, 2003 with the option to extend the Agreement on a annual basis for up to two (2) additional years with an Annual Housing Rehabilitation Budget of \$2,340,860 and revolving fund of \$750,000 for boarded up/vacant property acquisition  
**Action Taken:**
- D. Consider and adopt amendment to by-laws of the Redevelopment Agency (***Agency action***)  
**Action Taken:**
1. **RESOLUTION** - Rescinding present by-laws and adopting new by-laws  
**Action Taken:**
- E. Consider and approve the second Cooperation Agreement between the City of Fresno and Redevelopment Agency (***Council and Agency action***)
1. \* **RESOLUTION** - An amendment to the 2003/04 Salary Resolution to Implement the Second Cooperation Agreement  
**Action Taken:**
- F. **HEARING** on and adoption of Fiscal Year 2003-2004 Redevelopment Agency budget  
**Action Taken:**
1. **RESOLUTION** - Appropriating the FY 2003-2004 budget of the Redevelopment Agency of the City of Fresno  
**Action Taken:**

## ADJOURN AGENCY

- 10:00 A.M. **HEARING** regarding increasing the maximum special tax due to an increase of area to be maintained by Annexation No. 47 of City of Fresno Community Facilities District No. 2, Tract No. 5099  
**Action Taken:**
- a. **RESOLUTION** - Authorizing the levy of a special tax and setting appropriations limit for Annexation No. 47 (Tract No. 5099) of Community Facilities District No. 2  
**Action Taken:**
- b. **RESOLUTION** - Calling special mailed-ballot election  
**Action Taken:**
- c. **RESOLUTION** - Declaring election results  
**Action Taken:**
- d. **RESOLUTION** - Change of maximum special tax for Annexation No. 47 (Tract No. 5099) of Community Facilities District No. 2  
**Action Taken:**
- e. \* **BILL** - Levying a special tax for the property tax year 2003-2004 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 51  
**Action Taken:**

## TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

**10:05 A.M. HEARING** to consider alignment and width of proposed public street for an 11-parcel industrial development located on the west side of N. Valentine Avenue between W. Ashlan and W. Shaw Avenues - Planning and Development Dept.

**Action Taken:**

- a. Consider and adopt the finding of a Categorical Exemption, Class 32, for Environmental Assessment No. TPM-2003-08

**Action Taken:**

- b. **RESOLUTION** - Approving a new street alignment for a new local industrial street located between W. Ashlan and W. Shaw Avenues on the west side of N. Valentine Avenue

***(Property located in Council District 1)***

**Action Taken:**

**10:15 A.M. HEARING** to consider Rezone Application No. R-03-13 and environmental findings, filed by Capistrano Fresno Partners, for 28 acres of property located on the northeast corner of N. Hayes and W. Gettysburg Avenues - Planning and Development Dept.

**Action Taken:**

- a. Consider and adopt Environmental Assessment No. R-03-13/T-5134, finding of conformance with 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130)

**Action Taken:**

- b. **BILL** - Amending the Official Zone Map to rezone the subject property from the AE-5/UGM (Agriculture Exclusive-Five Acre Minimum/Urban Growth Management) zone district to the R-1/UGM (Single-Family Residential/Urban Growth Management) zone district.

***(Property located in Council District 2)***

**Action Taken:**

## 10:30 A.M. JOINT MEETING WITH THE JOINT POWERS FINANCING AUTHORITY

- A. Matters relating to investing funds in the local agency investment fund through the Joint Powers Financing Authority

1. **RESOLUTION** - Approving a Promissory Note payable to the City of Fresno ***(Joint Powers Financing Authority action)***

**Action Taken:**

2. **RESOLUTION** - Approving and accepting the Promissory Note from the Joint Powers Financing Authority ***(Council action)***

**Action Taken:**

**ADJOURN AUTHORITY**

## TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

**10:45 A.M. CONTINUED HEARING** to consider Rezoning Application No. R-03-09 and environmental findings, filed by Lawrence Partners, pertaining to 13.4 acres of property located on the west side of N. Chestnut Avenue (alignment) between E. Copper and E. International Avenues (**Property located in Council District 6**) - Planning and Development Dept.

**Action Taken:**

1. Consider and adopt Environmental Assessment No. R-03-09/C-03-29/T-5150, finding of conformance with 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130)

**Action Taken:**

2. **BILL** - Amending the Official Zone Map to rezone the subject property from the AL-20 (County) zone district to the R-1-C/UGM (Single-Family Residential District /Urban Growth Management) zone district

**Action Taken:**

**NOON - 1:30 P.M. RECESS**

**1:30 PM#1** Appearance by Herb Wesson, Speaker of the California State Assembly, to provide a brief update of the State budget process - Councilmember Calhoun

**1:30 PM#2 CONTINUED BUDGET HEARING:**

1. \* **RESOLUTION** - Adopting FY 2003-2004 City of Fresno Budget, including the Community Development Block Grant (**CDBG**) budget, and the Annual Appropriation Resolution (**AAR**)
  - a. **HEARING** regarding the proposed use of FY 2004 Federal Entitlement Funds
    1. \* **RESOLUTION** - Authorizing City Manager to submit Fiscal Year 2004 Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD) for use of Community Development Block Grant (CDBG), Home Investment Partnerships (HOME), and Emergency Shelter Grant (ESG) program funds and authorizing the City Manager to sign all HUD documents and agreements - Planning and Development Dept.
2. \* **RESOLUTION** - Adopting the FY 2003-2004 Position Authorization Resolution (**PAR**)
3. \* **RESOLUTION** - Adopting the 409<sup>th</sup> amendment to the Master Fee Schedule (**MFS**) Resolution No. 80-420 (annual amendment)
  - a. \* **BILL - (For introduction)** - Adding Article 20 to Chapter 9 of the Fresno Municipal Code relating to hazardous spills expense recovery
  - b. \* **BILL - (For introduction)** - Amending Sections 1-603 and 1-604 of the Fresno Municipal Code relating to recovery of cost and penalties incurred or imposed in enforcement of nuisance abatement actions
4. \* **BILL - (For introduction and adoption)** - Adopting the Property Tax Override (**PTO**) Ordinance
5. Selection of methodology for determination of FY 2003-2004 Gann Appropriation Limit
6. \* **RESOLUTION** - Establishing rules for the application of City employee compensation rates and schedules and related requirements, and establishing compensation rates and schedules - FY 2004 Salary Resolution

\* Subject to Mayoral veto



## **TIME SCHEDULED HEARINGS AND MATTERS CONTINUED**

### **1:30 PM#2 CONTINUED BUDGET HEARING**

1. City Manager's Office
2. Capital Budget, City-Wide
3. CDBG Budget

**Action Taken:**

### **2. GENERAL ADMINISTRATION**

### **3. CITY COUNCIL**

- A. Notification of potential loss of funding for Measure "C" and its effects on the City of Fresno - Councilmember Duncan  
**Action Taken:**
- B. Request staff update and direction as regarding securing the current funding source, the execution of agreement and completion of the Pinedale Specific Plan as approved in fiscal year 2003 budget - Councilmember Calhoun  
**Action Taken:**
- C. Direct staff to design the intersection of East and Hamilton Avenues to improve the flow of traffic and identify funding resources and report back in 30 days - Councilmember Dages  
**Action Taken:**

### **4. CLOSED SESSION**

- A. **CONFERENCE WITH LABOR NEGOTIATOR** - Government Code Section 54957.6  
**City Negotiator(s):** Severo Esquivel, Adela Gonzalez and Jorge C. Aguiniga  
**Employee Organization(s):**
  1. Fresno City Employees' Association (FCEA)  
**Action Taken:**
- B. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)
  1. **Case Name:** A.H.D.C. v. City of Fresno, et al.
  2. **Case Name:** Medical Advocates for Healthy Air v. City of Fresno, Fresno City Council
  3. **Case Name:** City of Fresno v. Garfield Park Highlands, et al. (Edwards)  
**Action Taken:**

5. **CLOSED SESSION ANNOUNCEMENTS**

6. **PUBLIC COMMENT PERIOD - No Council action except to place on future agenda.  
Presentation limited to three (3) minutes.**

A. Scheduled communications -

B. **UNSCHEDULED COMMUNICATION** - Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least 10 days prior to the desired date.

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

July 1 - **NO MEETING - COUNCIL VACATION**  
July 8 - **NO MEETING - COUNCIL VACATION**

July 15- 10:10 A.M. **HEARING** re: Rezone Appl. No. R-03-024, filed by William A. Lewis, property located at 410 W. El Dorado Avenue  
July 15- 10:15 A.M. **HEARING** re: LLMD levying annual assessments  
July 15- 10:30 A.M. **HEARING** re: Rezone Appl. No. R-02-15, filed by St. Agnes  
July 15- 10:35 A.M. **HEARING** re: Rezone Appl. No. R-03-10, filed by Richard Fairbank  
July 15 - 10:40 A.M. **HEARING** re: Rezone Appl. No. R-03-011, filed by Tejinder Randhawa, property located at 1210 Collins Avenue  
July 15- 10:45 A.M. **HEARING** re: designating four locations to the Local Register of Historic resources  
July 15 - 11:00 A.M. **HEARING** re: Rezone Appl. No. R-03-023, filed by Chizuko Inouye, property located at 1362 N. Cedar Avenue

July 29- 10:00 A.M. **HEARING** re: Community Facilities District No. 2, Annexation No. 52, Tract No. 5110

Aug 5 - **NO MEETING - COUNCIL VACATION**  
Aug 12 - **NO MEETING - COUNCIL VACATION**

Aug. 19- 10:00 A.M. **HEARING** re: Community Facilities District No. 2, Annexation No. 49, Tract No. 4682  
Aug. 19- 10:05 A.M. **HEARING** re: Community Facilities District No. 2, Annexation No. 53, Tract No. 5029

Sept. 2 - **NO MEETING - COUNCIL VACATION**  
Sept. 9 - **NO MEETING - COUNCIL VACATION**